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Situation of human rights in Iraq

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in Iraq, prepared by Andreas Mavrommatis, Special Rapporteur of the Commission on Human Rights, in accordance with Assembly resolution 55/115 of 4 December 2001 and Economic and Social Council decision 2001/250.

* A/56/150.

** In accordance with General Assembly resolution 55/222, part III, para. 10, this report is being submitted on 13 September 2001 so as to include as much updated information as possible.

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Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq

Summary

During the reporting period, the Special Rapporteur, Mr. Andreas Mavrommatis, continued to receive information from various sources regarding alleged violations of human rights in Iraq. He also actively sought to collect as much reliable information as possible so as to be fully apprised of the situation of human rights in that country.

Moreover, the Special Rapporteur continued his efforts at establishing a constructive dialogue on human rights. On several occasions he reiterated his wish to visit Iraq without, however, receiving a positive reply from the Government. He also proposed that a governmental delegation from Baghdad be dispatched to Geneva to initiate a dialogue. Despite positive unofficial indications from the Government, at the time of writing, the Special Rapporteur has not received concrete indications from Iraq on how and when to begin the dialogue process. The Special Rapporteur hopes the Government of Iraq will soon provide positive and concrete indications in this regard.

In addition, the Special Rapporteur requested the Governments of two States neighbouring Iraq to allow him to visit their countries in order to discharge his mandate. He regrets to note that no replies to these requests have been received and urges all States Members of the United Nations to cooperate with him.

The Special Rapporteur continued to follow developments with regard to the humanitarian situation and shares the concern of the Secretary-General of the United Nations with regard to applications placed on hold by the Security Council Committee established by resolution 661 (1990).

The Special Rapporteur received communications alleging specific human rights violations regarding the human rights of women, persecution on account of religious affiliation, torture or cruel, inhuman or degrading treatment or punishment, extrajudicial killings and arbitrary executions, imposition of the death sentence for crimes not serious enough to justify it, persecution on account of political opinion and ethnicity, forced population transfers (Arabization), arbitrary arrest and detention, as well as lack of fair trial and due process of law. In particular, the Special Rapporteur received information regarding alleged harassment of women and allegations concerning the recent death of Ayatollah Hussein Bahr Al-Aloom.

The Special Rapporteur addressed several letters to the Government of Iraq with regard to these allegations. He is pleased to note that the Government did reply to some allegations in its written response to his previous interim report to the General Assembly (see A/C.3/55/5) and also notes that brief replies from the Government to his two most recent letters have been received. However, the Special Rapporteur urges the Government to reply specifically and in detail to all outstanding and future requests.

The Special Rapporteur also followed developments with regard to Kuwaiti prisoners of war and persons unaccounted for since the time of the Iraqi occupation of Kuwait, as well as missing Iraqis. He regrets to note the continued impasse in the Tripartite Commission and urges all parties involved to respect the non-political and humanitarian nature of this issue and to cooperate so as to find a solution.

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I. Introduction

1. The mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq stems originally from Commission resolution 1991/74 of 6 March 1991 and was recently extended by Commission resolution 2001/14 of 18 April 2001, adopted at its fifty-seventh session. The present report is submitted pursuant to paragraph 5 (a) of resolution 2001/14, by which the Special Rapporteur is requested to submit an interim report to the General Assembly at its fifty-sixth session.

2. The present report, unless otherwise stated, covers the period from 1 December 2000 to 15 July 2001 and is to be read in conjunction with the report of the Special Rapporteur to the Commission on Human Rights at its fifty-seventh session (E/CN.4/2001/42) and his oral update to the Commission on the occasion of his presentation of that report on 29 March 2001. The present report also takes note of the debate on Iraq and resultant resolutions of both the Commission and the General Assembly.

3. The Government of Iraq, in its response to the aforementioned previous report of the Special Rapporteur, dismissed most of the allegations on human rights violations contained therein by claiming that they were based on information provided by hostile sources. According to the Government, the real violation of human rights in Iraq is the unjust embargo which has deprived the Iraqi people of fundamental freedoms and basic rights, particularly the right to live with dignity, the right to education and the right to work. As for the death penalty, the Government of Iraq pointed out that the allegations were unfounded. With regard to the judiciary, it was acknowledged that there exist cases that are within the jurisdiction of special courts.

4. During the reporting period, the Special Rapporteur held meetings in Geneva and New York with representatives of the Government of Iraq. He also met with other government representatives, including members of the Security Council, and with non-governmental organizations. In July 2001, the Special Rapporteur was in Kuwait and took that opportunity to be updated on the issue of Kuwaiti prisoners of war and persons unaccounted for since the Iraqi occupation of Kuwait.

5. During the reporting period, the Special Rapporteur also requested to visit two countries neighbouring Iraq and addressed letters to the respective Governments. However, despite personal approaches by the Special Rapporteur, no replies have as yet been received, which made it more difficult for the Special Rapporteur to elaborate a programme of work in connection with his mandate. In view of these circumstances, the Special Rapporteur believes the General Assembly as well as the Commission on Human Rights should urge all States to cooperate actively with him.

6. While the present report focuses primarily on developments that occurred and on information received during the reporting period, it also includes, as in the past, reference to past violations that have continuing effects.

7. The Special Rapporteur continued to receive written allegations, reports and communications claiming violations of human rights by the Government of Iraq. These allegations relate to torture or cruel, inhuman or degrading treatment or punishment, extrajudicial killings and arbitrary executions, imposition of the death sentence for crimes that are not serious enough to justify it, persecution on account of political opinion, ethnicity and religious affiliation, forced population transfers (Arabization), arbitrary arrest and detention, as well as lack of fair trial and due process of law. The Special Rapporteur also received information from various sources regarding the humanitarian situation in Iraq as a result of the sanctions regime imposed on that country.

8. The Special Rapporteur wishes to stress that he carefully examines all information and seeks to verify all allegations. Selected cases, where sufficient detail is provided and anonymity is not claimed, are referred to the Government of Iraq for reply. Cases which are not referred to the Government may still be taken into consideration and form part of the Special Rapporteur's analysis with regard to the identification of a pattern of action on the part of the Government which is in violation of human rights norms.

9. During the reporting period, the Special Rapporteur submitted a number of letters to the Government of Iraq containing allegations of human rights violations and often referred to them in general terms during his meeting with Iraqi representatives, mainly in Geneva. Some of the more serious

allegations were also discussed orally with representatives of Iraq, especially if a reply to the written communications had not been forthcoming. The Special Rapporteur was given unofficial or tentative replies, mostly in the form of general denial. On several occasions, he urged the Government of Iraq to provide him with specific and detailed replies to letters previously sent. The Special Rapporteur regrets to note that most of these individual letters have remained unanswered, although the Government did reply to some of these allegations in its written response to his previous interim report to the General Assembly (see A/C.3/55/5). However, the Special Rapporteur is pleased to note that during June and July 2001, it appears that the Government of Iraq was more willing to cooperate, as written replies to his two most recent letters were received. In the circumstances, the Special Rapporteur deems it necessary to include as annex 1 a list of all communications he has addressed to the Government of Iraq through the Permanent Mission of Iraq to the United Nations Office at Geneva. A sample of a letter regarding religious persecution, to which a more detailed reply has been received, as well as the reply itself, are both included as annex 2 (see paragraphs 28-31 below). The Special Rapporteur is encouraged by this apparent willingness of the Government to seek to provide detailed replies to his letters and hopes this is an indication of a more positive trend in future.

II. Methodology

10. From the outset, the Special Rapporteur had stressed that, in his view, part of his role is to seek to improve the promotion and protection of human rights in Iraq and, to this effect, the cooperation of the country concerned is essential. At the same time, he seeks to obtain reliable information, which can be a point of departure towards finding a way to improve the situation of human rights.

11. During several meetings in Geneva with representatives of the Government of Iraq, the Special Rapporteur stressed, as he had previously done, the need to establish a truly constructive dialogue on human rights. While reiterating the absolute necessity of personally visiting Iraq, he suggested that, in view of the current position of the Government not to permit visits such as that of the Special Rapporteur, a delegation could be dispatched from Iraq to Geneva to initiate this dialogue.

12. As the initial reaction of the Government did not appear to be negative, the Special Rapporteur suggested by letter dated 9 March 2001, addressed to the Permanent Representative of Iraq to the United Nations Office at Geneva, that the process could begin with a constructive dialogue on the right to life. This dialogue could take place in Geneva on a regular basis. The Special Rapporteur suggested that, in this context and as a first step, the dialogue could begin with a discussion on crimes which, according to Iraqi legislation, are punishable by death. During the fifty-seventh session of the Commission on Human Rights, the Representative of Iraq expressed willingness to cooperate with the Special Rapporteur and indicated that a delegation from Iraq would in fact be coming to Geneva shortly to begin the dialogue with him.

13. By letter dated 4 April to the Government of Iraq, the proposal of the Special Rapporteur was followed up with a suggested agenda containing two main items for an initial meeting with a delegation from Baghdad: (i) organizational matters; and (ii) initial discussion on the right to life, including, in particular, serious crimes that carry the death penalty in accordance with Iraqi legislation. These meetings were tentatively scheduled for May and then June.

14. When the two tentative times to begin the dialogue had passed without a definitive reply from the Government, the Special Rapporteur requested the Permanent Representative of Iraq to the United Nations Office at Geneva to meet with him on 23 June 2001. During this meeting, the Special Rapporteur expressed disappointment with regard to the progress achieved on establishing a constructive dialogue on human rights and pointed out that several months had passed since the Government had indicated that a delegation would be sent to Geneva to initiate the dialogue and that even at that stage no indication had been received as to when the dialogue would begin. The Special Rapporteur also took the opportunity to urge the Government yet again to reply to outstanding and future letters.

15. Despite these efforts made by the Special Rapporteur and the informal indications from the Government of Iraq, the Special Rapporteur regrets to note that, as at the drafting of the present report, no concrete and official response has been received from

the Government indicating in more detail how it intends to cooperate with the Special Rapporteur.

16. On 10 July 2001 the Associated Press carried a press release which, inter alia, stated that, according to a spokesman for the Foreign Ministry, Iraq was prepared to hold a "constructive dialogue" with the Commission on Human Rights. The official Iraqi news agency quoted an unnamed spokesman for the Foreign Ministry as saying that the Iraqi Government would like to assert that it was endeavouring to deepen the principles of human rights on all levels despite the difficult economic and political situation it was facing. Iraq was ready for a constructive dialogue with the Commission, the spokesman said. As it was unclear whether this statement was referring to the dialogue proposed by the Special Rapporteur or to another process, clarification was sought.

17. Although the dialogue on human rights proposed by the Special Rapporteur would be a step in the right direction and would certainly be beneficial, it cannot be a substitute for a visit by him to Iraq. Such a visit would allow the Special Rapporteur to study the situation of human rights on the ground and to verify the truthfulness of the accounts received, as well as to engage the Government at an appropriate level. At the time of writing, the Government of Iraq had not yet responded positively to the Special Rapporteur's request to visit the country. The Special Rapporteur would like to take this opportunity yet again to urge the Government officially and strongly to reply positively to his request and allow him to visit Iraq, thereby giving actual content to the positive statement, referred to above, published by the Associated Press.

III. The humanitarian situation

18. On every appropriate occasion, the Special Rapporteur has pointed out that, in carrying out his mandate, he seeks to collect information from a broad variety of sources and that he wishes to be fully apprised of anything that, directly or indirectly, intentionally or unintentionally, has adverse effects on the human rights situation in Iraq. Since his appointment as Special Rapporteur, he has therefore studied the humanitarian situation in Iraq as well.

19. In his above-mentioned report to the Commission on Human Rights at its fifty-seventh session, the Special Rapporteur elaborated at length on this issue. The present interim report is limited to briefly updating information contained in the report to the Commission.

20. The Special Rapporteur continues to be concerned about the unintended human rights consequences of the international embargo against Iraq. In this regard, he also associates himself with the concern expressed by the Secretary-General in his report of 18 May 2001 to the Security Council pursuant to paragraph 5 of Security Council resolution 1330 (2000) (S/2001/505). In paragraph 29 of the report, the Secretary-General expresses his grave concern that since his report in March 2001 (S/2001/186), the total value of applications for contracts placed on hold by the Security Council Committee established by resolution 661 (1990) has increased from $3.1 billion to $3.7 billion, as at 14 May 2001.

21. The Special Rapporteur also notes that, in its report of June 2001 on its activities in 2000 and 2001 in Iraq, the International Committee of the Red Cross states that, while the oil-for-food programme entered its ninth phase in December 2000, it is becoming increasingly clear that the programme in its current form does not respond to a number of Iraq's priority needs. The most affected sectors are health care, drinking water production, sewage evacuation and electricity production.

22. The Special Rapporteur also followed with interest recent developments regarding the issue of the so-called "smart sanctions". He expresses the hope that an agreement between all concerned may be reached to alleviate the humanitarian situation.

IV. Women

23. Keeping a gender perspective in mind, the Special Rapporteur actively continued to seek information with regard to the human rights situation of women in Iraq. He continued to receive several reports and allegations concerning violations of women's rights by the Government of Iraq.

24. The Special Rapporteur received information that the Iraqi newspaper, *Az-zawrah*, in its issue No. 199 of 12 April 2001, had allegedly published a communiqué entitled "News concerning women", regarding an official decree on women belonging to a family of which another member, wanted by the authorities, has left the country. In accordance with this decree, the women in question can allegedly be arrested in order to

apply pressure on the family member who has left the country.

25. In a letter dated 27 June 2001, the Special Rapporteur wrote to the Government of Iraq enquiring as to the veracity of this claim. By letter dated 2 July 2001 from the Permanent Mission of Iraq to the United Nations Office at Geneva, the Government briefly denied the existence of the communiqué, stressing that *Az-zawrah* is not an official newspaper. However, it made no reference to the decree in question.

26. The Special Rapporteur has continued to seek information regarding the alleged execution of prostitutes, as mentioned in his previous report to the Commission on Human Rights at its fifty-seventh session. In the present reporting period, several sources again brought this issue to the attention of the Special Rapporteur and provided additional information. In particular, he received information alleging that the paramilitary units under the name of "Feda'iyee Saddam" have conducted a terror campaign against women and summarily executed many women suspected of being prostitutes. However, the information received is sometimes conflicting regarding numbers, dates, names, as well as the reasons for the execution.

27. The Special Rapporteur raised this issue at several meetings with the Permanent Representative of Iraq to the United Nations Office at Geneva and asked for a response to the letters previously sent to the Government. On 29 January 2001, the Special Rapporteur, recalling previous communications on this issue, requested the Government of Iraq to reply on whether prostitution is a criminal offence punishable by death. At the time of writing, the Government had not formally replied to any of these requests. However, the Special Rapporteur was unofficially informed by the Government that the death sentence applies only to persons exploiting women or responsible for trafficking in women. This is another example as to why it is imperative for the Government of Iraq to provide complete replies to the letters of the Special Rapporteur in order for him to be in a position to assess the situation and reach accurate conclusions. The Special Rapporteur is of the view that prostitution as well as exploitation of women are crimes not serious enough to warrant the imposition of the death sentence.

V. Religious persecution

28. The Special Rapporteur continued to receive information from various sources reporting discrimination of religious groups and persecution on account of religious affiliation.

29. With regard to the Shia Muslim community, the Special Rapporteur continued to receive reports alleging human rights violations. In particular, in June and July 2001, the Special Rapporteur received several communications regarding the death on 22 June 2001 of a leading Shia scholar, Ayatollah Hussein Bahr Al-Aloom. According to these allegations, approximately 10 days before his death the ayatollah had refused to express publicly his approval of the appointment of Qusay Hussein, President Saddam Hussein's son, to the Regional Leadership of the Ba'ath Party. The allegations state that the ayatollah was found dead in his library, in Najaf on 22 June in the morning. According to this information, the body was rushed for burial, no post-mortem was allowed and the burial took place under heavy security.

30. In a letter dated 26 June the Special Rapporteur wrote to the Government of Iraq with regard to this allegation. By letter of 21 July 2001, the Permanent Mission of Iraq to the United Nations Office at Geneva replied to the allegation, stating that the ayatollah had died of cardiac arrest at the age of 70 on 22 June 2001. The letter also states that the burial ceremony had been attended by the prefect of Najaf, religious personalities and dignitaries, local leaders as well as representatives from different strata of society. It further states that both official and non-official Iraqi media had issued letters of condolence and obituaries. The letter also explains the details of the funeral, how it was not rushed and took place with a security presence which is normal for a person of such stature. In view of the fact that this is one of the first instances that a written reply to a written request by the Special Rapporteur has been received, the Special Rapporteur has decided to include as annex 2 a copy of his original letter as well as the reply from the Government (see paragraph 9 above).

31. The Special Rapporteur intends to follow up the issue of religious persecution by actively seeking further information.

VI. Extrajudicial killings, torture, cruel, degrading and inhuman treatment and punishment

32. The Special Rapporteur continued to receive information from several sources presenting allegations of extrajudicial killings, torture, cruel, degrading and inhuman treatment and punishment, including cases of families in Iraq of Iraqi refugees living abroad that are being harassed in order to induce the refugees to cease their political activity against the Government. He also received information suggesting that persons who had allegedly insulted the President of Iraq have had their tongues amputated without trial. The Special Rapporteur is examining the information received and proposes to present his findings in his next report to the Commission on Human Rights.

33. The Special Rapporteur wishes to recall that he has addressed several letters to the Government of Iraq with regard to these issues. These were referred to in his previous report to the Commission at its fifty-seventh session. At the time of writing, the Special Rapporteur had not received a specific and detailed written reply from the Government.

34. In particular, the Special Rapporteur wishes to recall that, on 24 November 2000, he addressed a letter to the Government of Iraq regarding an allegation concerning the execution on or about 16 December 1998 of Staff General Kamil Aziz al-Janabi. According to the allegation, the general was summarily executed by the son of President Saddam Hussein. The letter was already noted in the above-mentioned previous report of the Special Rapporteur. In view of the seriousness and the specific and detailed nature of the allegation, it was to be expected that an immediate reply from the Government would be forthcoming. However, at the time of writing, no reply had been received. The Special Rapporteur urges the Government to do so without further delay.

VII. Mass relocation of non-Arabs and Arabization of areas from which they are expelled

35. The Special Rapporteur continued to receive information regarding allegations of human rights violations against minorities and of mass relocations of non-Arabs and Arabization of areas from which these persons are expelled. As noted in his report to the Commission at its fifty-seventh session and in his interim report to the General Assembly at its fifty-fifth session (A/55/294), the Special Rapporteur had previously addressed several letters to the Government of Iraq on these and similar issues. At the time of writing, he had not received a specific written reply from the Government with regard to these allegations.

36. The Special Rapporteur has sought and received recent and detailed information on instances of expulsions, which are being transmitted to the Government of Iraq. He expects to receive complete replies to these specific allegations.

VIII. Missing persons

A. Kuwaiti prisoners of war and persons unaccounted for since the time of the Iraqi occupation of Kuwait

37. The Special Rapporteur regrets to report that, since the submission of his report to the Commission on Human Rights, there has been no change in the state of affairs with regard to seeking a solution to the impasse in the Tripartite Commission.

38. The Special Rapporteur wishes to reiterate that nothing and nobody can justify lack of cooperation in respect of efforts to trace the fate of persons unaccounted for. He has always stressed that, irrespective of the validity or otherwise of any arguments by the Government of Iraq not to participate in the work of the Tripartite Commission, there can always be alternative methodologies such as indirect, proximity or parallel efforts to solve an urgent humanitarian issue such as the one in question. In this regard, the Special Rapporteur welcomes information to the effect that a "parallel approach" in respect of the missing Kuwaitis has been initiated recently. It is absolutely crucial that all parties respect the purely humanitarian and non-political nature of this issue and do their best for a speedy resolution.

B. Missing Iraqis

39. As there have been no developments with regard to missing Iraqis the Special Rapporteur wishes to reiterate his readiness to assist in any way possible in solving this issue.

C. Iraqis missing as a result of expulsions that occurred in the 1980s

40. There have been no developments regarding Iraqis missing as a result of expulsions in the 1980s. The Special Rapporteur proposes to take up the matter again, as appropriate.

41. To conclude this part of his report, the Special Rapporteur wishes to urge all concerned to redouble their efforts and investigate in depth and thoroughly all information made available to them on the question of Kuwaiti prisoners of war or persons unaccounted for since the Iraqi occupation of Kuwait. The same applies to all cases of missing persons, including those Iraqis missing during the same time as well as those expelled in the 1980s.

IX. Conclusions and recommendations

42. The Special Rapporteur wishes to reiterate his recommendations that all humanitarian concerns should be kept under constant review and necessary adjustments should continue to be made to ensure that the humanitarian needs and the long-term adverse effects of the embargo are addressed and the suffering of the people is alleviated.

43. The Special Rapporteur urges the Government of Iraq to continue its dialogue with the United Nations in a spirit of compromise and hopes that results can be achieved as speedily as possible.

44. The Special Rapporteur calls on the Government of Iraq to take effective measures to remove any restrictions on the exercise of religious freedom and permit religious leaders, scholars and others to perform their religious functions freely.

45. The Special Rapporteur reiterates his call to the Government of Iraq to review and revise laws permitting the imposition of the death penalty, consider a moratorium on executions and begin a dialogue with the Special Rapporteur on matters relating to the supreme right to life.

46. The Special Rapporteur urges the Government of Iraq to examine all allegations of violations of human rights and take the necessary action to ensure that such violations cease forthwith.

47. The Special Rapporteur calls upon the Government of Iraq to examine carefully all allegations of forced relocations and ensure that no person is relocated against his or her will.

48. The Special Rapporteur urges the Government of Iraq to take all necessary measures to investigate in depth the fate of all missing persons.

49. Given the humanitarian nature of the question of the Kuwaiti prisoners of war and persons unaccounted for, the Special Rapporteur urges the Government of Iraq to join again in the work of the Tripartite Commission and its Technical Subcommittee and, pending such a decision, to take steps to ensure that the necessary investigations in respect of pending cases are carried out and that relevant information is related, as appropriate, to its destination.

50. The Special Rapporteur calls on the Government of Iraq to pay particular attention to allegations of human rights violations against women and, in particular, review any legislation that imposes harsh penalties on women or permits harassment of innocent women.

Annex I

List of letters from the Special Rapporteur to the Government of Iraq and replies received as at 22 July 2001

Letter from the Special Rapporteur	*Reply received from the Government of Iraq*
• 22 May 2000 Persecution of Shi'a and other allegations	• Individual specific written reply outstanding (Some information provided in A/C.3/55/5)
• 14 June 2000 Raid against the Al-Rahma tribe, execution of officers at Al-Rashid camp and other allegations	• Individual specific written reply outstanding (Some information provided in A/C.3/55/5)
• 20 June 2000 Killing of civilians	• Individual specific written reply outstanding (Some information provided in A/C.3/55/5)
• 10 August 2000 Execution of Sabah Fattah Amin	• Individual specific written reply outstanding (Some information provided in A/C.3/55/5)
• 10 August 2000 Arabization	• Individual specific written reply outstanding (Some information provided in A/C.3/55/5)
• 15 August 2000 Armed raid on villages	• Individual specific written reply outstanding (Some information provided in A/C.3/55/5)
• 15 November 2000 Allegations of torture	• Written reply outstanding
• 17 November 2000 (Forwarded by the Office of the United Nations High Commissioner for Human Rights) Prostitution and desecration of national symbols	• Written reply outstanding
• 24 November 2000 Execution of Staff General Kamil Aziz Al-Janabi	• Written reply outstanding
• 29 January 2001 (Forwarded by the Office of the United Nations High Commissioner for Human Rights) Follow-up request for a reply to the letter of 17 November 2000	• Written reply outstanding

Letter from the Special Rapporteur	*Reply received from the Government of Iraq*
• 9 March 2001 Letter on initiating a dialogue on human rights	• Written reply outstanding
• 4 April 2001 (Forwarded by the Office of the United Nations High Commissioner for Human Rights) Proposed agenda for the first meeting with the Iraqi delegation	• Written reply outstanding
• 26 June 2001 Death of Ayatollah Hussein Bahr Al-Aloom	• Reply received by letter of 4 July (misdated 21 May 2001)
• 27 June 2001 Women arrested as a means of bringing pressure to bear on family members abroad	• Reply received by letter of 2 July 2001

Annex II

Sample letter dated 26 June 2001 from the Special Rapporteur addressed to the Permanent Representative of Iraq to the United Nations Office at Geneva and reply of 4 July 2001 regarding the death of Ayatollah Hussein Bahr Al-Aloom

I have the honour to address you in my capacity as Special Rapporteur on the situation of human rights in Iraq pursuant to Commission on Human Rights resolution 1991/74 of 18 February 1991, as renewed for a further year by resolution 2001/14 of 18 April 2001.

The mandate set forth in resolution 1991/74 requests the Special Rapporteur to make a through study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur may deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq.

Pursuant to this mandate, I would like to bring to the attention of your Excellency's Government information conveyed to me, which reports that, allegedly on 22 June 2001, Ayatollah Hussein Bahr Al-Aloom was killed under mysterious circumstances in his office in Iraq. Reportedly, a post-mortem examination did not take place and the body was rushed for burial under heavy security presence.

Without in any way implying conclusions as to the veracity of this allegation, I would appreciate a reply from your Excellency's Government to the present information at your earliest convenience and not later than one week of the date of the present letter.

(*Signed*) Andreas **Mavrommatis**

Reply dated 4 July 2001

The Permanent Mission of Iraq to the United Nations Office and other international organizations at Geneva presents its compliments to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq and has the honour to transmit herewith the response to the allegations contained in the Special Rapporteur's letter of 23 June 2001 concerning the death of Ayatollah Hussein Bahr Al-Aloom.

The Permanent Mission would like to point out that the very learned Mr. Hussein Muhammad Taqi Bahr Al-Aloom died of a heart attack on 22 June 2001 at the age of over 70 years, having devoted his life to learning and research. A grand funeral was held for him and was attended by the prefect of Najaf, a number of officials, clerics, tribal chiefs and various other segments of society. On behalf of the President of the Republic, the prefect also attended the Fatihah recitation ceremony. We should also like to point out that the Iraqi press, both official and unofficial, published an obituary on the deceased, giving details about his life and his national and nationalistic views on crucial issues. In addition, the Al-Jazira satellite television channel broadcast the funeral ceremonies on 1 July 2001.

Enclosure

Response to the allegations regarding the late Hussein Bahr Al-Aloom contained in the letter of the Special Rapporteur on the situation of human rights in Iraq

1. Mr. Hussein Bahr Al-Aloom was born in 1929 and was 72 years of age.

2. He suffered from cardiopathy, diabetes and hypertension and was frequently hospitalized. Many times he occupied a bed at Jadiriyah national hospital and Ibn Al-Baitar government hospital in Baghdad, which specialize in heart diseases, under the case of heart specialist Dr. Omar Al-Kabisi, who as a result of his lengthy treatment of the deceased became his personal friend, since the deceased constantly consulted him whenever he came to Baghdad and sometimes the doctor visited the deceased in the town of Najaf.

3. The deceased had travelled to Jordan for treatment, where he underwent catheterization.

4. At 9 a.m. on Friday, 22 June 2001, the deceased, after suffering a heart attack at home, was transported to a hospital, accompanied by his adopted daughter's husband, Talib Mushtaq and his neighbour. He died upon arriving at the hospital.

5. No post mortem examination was performed on his body because the cause of death was known, as evidenced by the death certificate (coronary thrombosis resulting in cardiac arrest). In addition, a considerable number of Najaf physicians had had him under their constant care and were in agreement concerning his state of health. Had an autopsy been done on him, some people would have said that it was a desecration of the body of a religious scholar of repute who had played a significant role in society, and would have made other such remarks.

6. After his death, in accordance with his family's request and the traditions followed in Najaf in respect of funerals of religious authorities, at 11.30 a.m. on Friday, 22 June, his body was transported to Karbala, where a procession to the shrines of Al-Husayn ibn Ali and Abbas ibn Ali, may peace be upon them, took place. The mortal remains were viewed by a large number of persons from Karbala and the custodians of the two shrines. At 1.30 p.m. on the same day they took the body back to Najaf. When they arrived at the Tusi mosque, where the deceased had his office and where his family burial place is located, his mortal remains were visited by a large number of people gathered inside and outside the mosque.

7. The body was transported from the Tusi mosque to the Haidari shrine, where the religious authority, Muhammad Sa'id Al-Hakim, said prayers for him, and then returned to Tusi mosque, where he was buried. Foremost among those attending the funeral were the prefect and officials of Najaf, together with a large number of religious students and ordinary citizens. The city had not seen such a funeral since the death of the religious leader Abd Al-Muhsin Al-Hakim. Owing to the large number of persons attending, the funeral procession lasted one and a half hours, despite the fact that the distance between the Haidari shrine and the Tusi mosque is no more than 150 metres.

8. His family held a three-day mourning ceremony, which was extended for a further day by the body of religious students in Najaf. During the ceremony, the religious leader Ali Al-Sistani held an evening banquet in honour of the soul of the deceased; his son, Muhammad Rida Al-Sistani, was in charge of the banquet arrangements.

9. The funeral was attended and persons presenting their condolences were received by the deceased's brother, Ja`far Bahr Al-Aloom, his nephew, Mahmud Abbas Bahr Al-Aloom, the husband of his adopted daughter, Talib Mushtaq, and a considerable number of members of the Bahr Al-Aloom family. The funeral and burial ceremonies mentioned above were not conducted hastily; rather, all the formalities took place in accordance with the timing determined by the family of the deceased. As for the "security presence", it was normal and there was no reason why that presence should be "heavy" (intense), as has been alleged. All the ceremonies concluded in a perfect manner and as befits the religious stature of the deceased.

10. The facts we have mentioned are not unknown to anyone in Najaf, or indeed anyone in Iraq. The Special Rapporteur can compare the facts with the fabrications and lies made up by those who look for opportunities to fish in troubled waters. Even death, a right in which every Muslim believes, does not escape their exploitation and their attempts to turn it to account for their own narrow interests.